

F.9041

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2004/002680	International filing date(day/month/year) 19 OCTOBER 2004 (19.10.2004)	Priority date (day/month/year) 23 OCTOBER 2003 (23.10.2003)	
International Patent Classification (IPC) or national classification and IPC A61K 35/60(2006.01)i			
Applicant LIM, Gap-Man			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 12 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 20 JUNE 2005 (20.06.2005)	Date of completion of this report 12 JANUARY 2006 (12.01.2006)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KIM, Hee Sue Telephone No. 82-42-481-5605 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002680

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☒ This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☒ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on ~~replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report~~:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages _____ as originally filed/furnished
- pages* 1-8, 11 received by this Authority on 09/08/2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* 9-10 received by this Authority on 09/08/2005
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ as originally filed/furnished
- pages* 12 received by this Authority on 09/08/2005
- pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002680

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The present invention relates to an ointment formulation for hemorrhoids prepared from the power of swellfish roe and a starfish.

The following documents have been considered for the purpose of this report:

D1 = KR 2002-64807 A1 (10. 08. 2002)

D2 = KR 2003-24512 A1 (26. 03. 2003)

D3 = KR 2001-16541 A1 (05. 03. 2001)

D1 discloses a process of preparing a therapeutic agent for hemorrhoids by heating the roe of a swellfish at a specified temperature and then mixing sodium chloride.

D2 discloses a vaginal suppository containing a mixture of treated starfish (asterina pectinifera).

D3 discloses an urethral detergent and a medicine for cystitis, prostatitis, and urethritis using starfish salt.

1. Novelty

None of the documents D1-D3 discloses the ointment for hemorrhoids comprising the power of the roe of a swellfish and a starfish.

Therefore, the subject matter of claims 1-6 is considered to be novel under PCT Article 33(2).

2. Inventive Step

However, there is no mention to confirm that the addition of a starfish and an additive such as banana and a charonia sauliae into the ointment formulation has a surprisingly changed effect on the treatment for hemorrhoids compared to the present invention. Further, the use of a starfish as a pharmaceutical agent is a simple change in materials which can be selected by a person skilled in the art, as shown in D2 and D3, and there is no remarkable difficulty in that. Therefore, the subject matter of claims 1-6 is considered to lack an inventive step under PCT Article 33(3).

3. Industrial Applicability

The subject matter of claims 1-6 appears to meet the requirement of PCT Article 33(4).